

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

EDWARD C. ALLEN,

Plaintiff,

V.

WESTERN GOVERNORS UNIVERSITY, *et al.*,

Defendants.

Case No. 2:25-cv-00325-RFB-NJK

Order

[Docket No. 41]

Pending before the Court is Defendants' motion to stay discovery. Docket No. 41. Plaintiff
file a response. *See* Docket. The motion is properly resolved without a hearing. *See* Local
8-1.

The Court has broad discretionary power to control discovery. *See, e.g., Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). “The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending.” *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). The party seeking a stay of discovery bears the burden of making a strong showing that discovery should be denied. *Turner Broad. Sys., Inc. v. Tracinda Corp.*, 175 F.R.D. 554, 556 (D. Nev. 1997). Discovery may be stayed when: (1) there is a pending motion that is potentially dispositive; (2) the potentially dispositive motion can be decided without additional discovery; and (3) the Court has taken a “preliminary peek” at the merits of the underlying motion and is convinced that Plaintiff will be unable to state a claim for relief. *Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013).

The Court agrees with Defendants that these elements are present here. The motion is potentially dispositive of the case and may be decided without discovery. Moreover, the Court is

1 convinced by the arguments presented in the motion to dismiss that Plaintiff will be unable to state
2 a claim.¹

3 Accordingly, the Court **GRANTS** the motion to stay discovery pending resolution of
4 Defendants' motion to dismiss. Docket No. 41. In the event the underlying motion to dismiss is
5 not granted in full, a joint discovery plan must be filed within 14 days of the resolution of the
6 motion to dismiss.

7 IT IS SO ORDERED.

8 Dated: July 28, 2025

9 
10 Nancy J. Koppe
United States Magistrate Judge

25 ¹ Conducting the preliminary peek puts the undersigned in an awkward position because
26 the assigned district judge will decide the motion to dismiss and may have a different view of its
27 merits. *See Tradebay*, 278 F.R.D. at 603. The undersigned's "preliminary peek" at the merits of
28 the motion to dismiss is not intended to prejudice its outcome. *See id.* As a result, the undersigned
will not provide a lengthy discussion of the merits of the pending motion to dismiss in this instance.
Nonetheless, the undersigned has carefully reviewed the arguments presented in the underlying
motion and subsequent briefing. *See* Dockets Nos. 34, 40, 46.